

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DONALD McBROOM and CARLANN
McBROOM

v.

LIVELY TRANSPORTATION, LLC
and THOMAS PETE LIVELY.

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Case No. 5:23-cv-00023-RWS-JBB

ORDER

The above-captioned case was referred to United States Magistrate Judge J. Boone Baxter pursuant to 28 U.S.C. § 636. The Magistrate Judge issued a Report and Recommendation, recommending Defendants' Second Amended Motion to Dismiss (Docket No. 24) be granted and that the above-captioned case be dismissed without prejudice for lack of subject matter jurisdiction. Docket No. 29.

No objections have been filed to the Report and Recommendation. Because no objections have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021). The Court, having reviewed the Report and Recommendation, is of the opinion the findings and conclusions of the Magistrate Judge are correct. Accordingly, it is

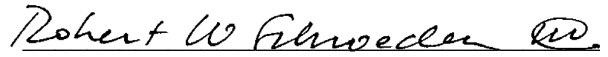
ORDERED that the Report and Recommendation of the United States Magistrate Judge (Docket No. 29) is **ADOPTED** as the findings and conclusions of the District Court. It is further

ORDERED that Defendants' Second Amended Motion to Dismiss (Docket No. 24) is **GRANTED**. It is further

ORDERED that the above-captioned case is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. It is further

ORDERED that any pending motions in the above-captioned case are **DENIED-AS-MOOT**. A final judgment will be entered in this case in accordance with this Order.

So ORDERED and SIGNED this 1st day of March, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE